

**LABOR MANAGEMENT RELATIONS QUARTERLY MEETING  
FEDERAL CORRECTIONAL INSTITUTION  
LA TUNA  
FEBRUARY 1 - 3, 2000**

***PARTICIPANTS:***

**MANAGEMENT:**

***Joe Chapin  
Phillis Morgan  
Keith Hall  
Don Laliberte  
Tamara Chrisler  
Charlie Felts  
Sheila Kiernan  
Nikki Gallo***

**UNION:**

***Phil Glover  
Jim Turner  
Charlie Bohannon  
Allen Green  
Manny Borquez  
Dennis Biesik  
Larry Raney  
Paul Rissler  
Wendy Smith  
Richard Wechsler  
Mike Bennett  
Suzanne Sanchez***

**Subject Matter Expert:**

***Dave Sweda***

***NO POLICIES WERE NEGOTIATED AT THIS MEETING.***

***Summary of Issues Addressed During LMR Meeting:***

***Affidavits Provided by Investigators***  
***Article 18 and Local Supplemental Agreement Reviews***  
***Bad Faith Bargaining (FCI Florence)***  
***Complement Analysis of Correctional Services***  
***DC Inmates (Transitional Plan)***  
***Domestic Violence***  
***Drug Assistance Program (DAP)***  
***Escorted Trips***  
***Federal Employee Assistance Programs (Report)***  
***Government Credit Card***  
***Harassment of Union Officials (FCI Florence)***  
***Home Duty***  
***LMR Site Visits***  
***LMR in the Southeast Region***  
***Medical Questionnaire for SCBA***  
***Medical Requirements for Use of Respirators***  
***National Joint LMR Training***  
***OIA Report***  
***Pagers***  
***Puncture-Resistant Area Search Gloves - Pilot Program***  
***Settlements and Involvement with LMR Branch***  
***Special Locality Pay (Lompoc and SeaTac)***  
***Toxic Spill at FPC Alderson***  
***Treasury-Postal Appropriations Bill***  
***ULP Statistics***  
***UNICOR Operations at FCC Victorville***  
***Uniform Allowance (for Non-Uniformed Staff)***  
***Uniform Allowance (Supplement for Pregnant Staff)***  
***Union Dues***  
***Workgroup Involvement***

## **National Agenda Items: MANAGEMENT**

**ISSUE:** Policy Negotiation Procedures:

*Management provided the Union with a proposed Memorandum of Understanding (MOU) with the purpose of improving the current policy review and negotiations process. Management and the Union entered into a lengthy discussion regarding:*

- \* possible options for Union involvement at an earlier stage in the policy process,*
- \* coming to the table within 30 days of the Union invoking negotiations on policy,*
- \* submitting of proposals, and*
- \* resolving the current outstanding policies.*

*Management and the Union were not able to resolve this issue at the meeting but agreed to continue to work on a mutually agreeable arrangement. The Union originally agreed to provide Management with a counter-proposal to the MOU within one week of the meeting. However, by the end of the meeting, Management and the Union agreed to exchange proposals for ground rules and begin policy negotiations in accordance with the time frames outlined in the Master Agreement. Both sides agreed to exchange proposals by February 14, 2000.*

## **National Agenda Items: UNION**

1. **ISSUE:** “Discussion of National Joint LMR training. This would be to get everyone updated on content, training dates and expectations of the training.”

**Resolution:** *This was a discussion item only. Management informed the Union that they had been working closely with FPMI to come up with instructors and dates. The training will be conducted on a region-by-region basis by two instructors and the cost will be approximately \$68,000 for the six sessions. There are a variety of issues which will be covered during the training, including Chapter 71, Title 5, consensus decision making; impact and implementation bargaining, and interest-based bargaining. Management provided the Union with possible dates to which the Union indicated that all the dates were acceptable for one region or another. Management stated they are hoping each region will be responsible for*

*arranging hotel and conference space. The Union informed Management that the Western Region has already been looking for a site to hold the training. Phil Glover and Joe Chapin will be meeting with the two instructors to discuss how they would like the training to be conducted.*

2. **ISSUE:** “Discussion and update on LMR site visits, including goals, questions, and expectations of visits. We could also discuss dates that are acceptable in each region.”

***Resolution:*** *Management stated that after discussions with Bobby Harnage, President, AFGE, the Agency agreed to visit 2 institutions in each region in order to highlight things that do work (good LMR) and things that don't work (bad LMR). The intent is not to find out who has good or bad LMR and then report it. The Office of Research and Evaluation has determined that the best way to assess this information is to conduct interview/survey sessions with a standardized set of questions (which have yet to be finalized). In addition, a private research firm would go to each site and ask the questions in a standardized manner. Management believes that this will be the most non-threatening way to ask staff about LMR. However, the Union believes that there should be some sort of “presence” by Management and the Union during these interview sessions. They suggested doing the survey during the joint LMR training sessions since the Wardens and local presidents will be there. Management stated that they did not want to take away from the focus of the joint training by combining it with the survey. Both parties agreed that further discussions between them and among themselves will be needed to finalize details.*

3. **ISSUE:** “Discussion of what I believe to be a breakdown in LMR activities in the Southeast Region. I have brought several issues forward recently and they continue on this agenda. We have had, what I would describe as, limited success in solving LMR issues, at one location (FDC Miami) disrespectful conduct towards National Union Officials and frankly a dismissal of the Union at many locations. Puerto Rico, Atlanta, Tallahassee, FDC Miami, Coleman Medium, and to some extent Jesup, have had different problems where we can't get to some common ground. As of last week, the Regional Director did speak to the SERVP about trying to work on some of the issue affecting the Region.”

**Resolution:** *Management indicated that they believed these issues were being worked out and the Regional Director was committed to working with the Union to resolve the issues mentioned. The Union responded that they intend on taking these issues to the Director if they cannot get worked out with the Regional Director. Management stated that they have been hearing different stories than those that were told at the table so they agreed to take a look at any potential trends at specific institutions in order to help resolve those issues.*

4. **ISSUE:** “Request update and further discussion on employees affected by the Domestic Violence law and its requirements not to allow the carrying of firearms. Request update on any discussions of the Executive Staff in December and/or any decisions made by the Director.”

**Resolution:** *Management indicated that a report will be presented during the March Executive Staff Meeting focusing on the history of this issue, possible options, etc. It is anticipated that there will be a resolution after that meeting. The Union brought up a specific employee’s case in which he had his record sealed but the Warden does not want to accept it since it does not meet the definition of the crime bill. Management indicated that a sealed record was not the same as an expungement of a record. Management suggested that the Union contact Nimesh Patel in the Office of General Counsel to find out more detail.*

5. **ISSUE:** “Overall dealings with the LMR branch: while attempting to settle several issues and after coming to final agreement with Mr. Jessup, having agreements rejected by Ms. Morgan. Mr. Chapin has continually stressed that he does not interfere in his Labor Relations Specialists’ cases. I would like to discuss this further and come to some understanding.”

**Resolution:** *Per the Union, this issue has been resolved.*

6. **ISSUE:** “Trying to settle two pending cases with Carol Hummel. Even though the Warden sustained the grievances on overtime (Tallahassee), according to Mr. Chapin, he stated the Agency couldn’t pay overtime. There are arbitrations and settlements which do support paying the overtime. It is an unnecessary arbitration.”

**Resolution:** *Mr. Chapin reiterated that he will not get involved in a specialist's case. Ms. Hummel is currently awaiting some additional information regarding overtime compensation procedures (and the number of staff affected) and she will let Mr. Turner know what is happening as things develop.*

7. **ISSUE:** “We would like a copy of the last annual report on the Federal Employee Assistance Programs to the Office of Personnel Management. This report is submitted by the Justice Department. Also, we would like a copy of the last four reports submitted by the BOP to the Director, DOJ EAP. We are requesting both the report on the employees and the separate report on family members.”

**Resolution:** *The FY1998 report was provided to the Union since the FY1999 report is not completed yet.*

8. **ISSUE:** “Uniform allowance for non-uniformed and nickel grey wearing staff working in correctional uniformed positions. Employees have not been receiving this supplemental uniform money even though they are being used in Correctional Services. The Bureau's own policy is clear on this issue.”

**Resolution:** *The Union stated that some Wardens are allegedly telling staff that if they want to work overtime, they need to go out and purchase uniforms with their own money. Management stated that if someone is not required to wear a uniform, and must wear his/her own clothes for a few days, they have the option of filing a tort claim for reimbursement if something happens to their own clothes. Management went on to state that a determination must be made on a case-by-case basis at the local level as to whether or not an additional uniform allowance is provided.*

9. **ISSUE:** “Once again, the issue of dues not being withheld by HRM offices needs [to be] addressed. In the Southeast in particular this problem has occurred at FDC Miami, FCI Tallahassee and now Yazoo City. It appears to be a regional issue. Yazoo City had 1187s in their files for up to a year and were not processed. It is suggested a letter come out from the Director on it because the EMSs by Mr. Chapin haven't been followed. The locals should also be reimbursed the dues money not taken out by the Agency accordingly.”

**Resolution:** *Mr. Chapin agreed to put out his original message again and Mr. Hall agreed to re-emphasize this issue with the Regional Directors.*

10. **ISSUE:** “OIA, Investigator Seamon, refusing to give copies of individual employee’s affidavits when requested.”

**Resolution:** *Management stated that Mr. Seamon provided a copy of the affidavit to the SIS and the Warden in sealed envelopes. A copy was not provided to the employee at the time because the investigation was not complete and the investigator did not want to jeopardize the integrity of the investigation. The employee may obtain a copy of his affidavit from either the Warden or SIS.*

11. **ISSUE:** “Official time FCI Florence denial.”

**Resolution:** *The Union brought up an example where official time was denied when an LMR Specialist, Ms. Navarro-Villarreal, came to the institution in November or December of 1999. Management stated that they were unaware of this denial but agreed to ask Ms. Navarro-Villarreal to ensure that the local Union president is given official time in the future for this same purpose.*

12. **ISSUE:** “Harassment of Union officials at FCI Florence, including the President having his work hours changed. The Warden and AW Mundt are not working with the Union.”

**Resolution:** *Per the Union, this issue has been resolved.*

13. **ISSUE:** “Bad faith bargaining at FCI Florence.”

**Resolution:** *Per the Union, this issue has been resolved.*

14. **ISSUE:** “Employee gave oral response on December 21, 1999 and was told he was reassigned on December 17, 1999. The proposal letter was to reassign from ISM to Correctional Services. Location: FCI Florence.”

**Resolution:** *Per the Union, Larry Raney will coordinate with the Regional Director to resolve this issue.*

15. **ISSUE:** “Uniform staff who become pregnant - are they authorized to receive a supplement uniform clothing allowance for new uniforms?”
- Resolution:*** *Management stated that they would look into some sort of a uniform supplement for pregnant staff.*
16. **ISSUE:** “Home Duty across the Bureau of Prisons; Union would like to know how many employees are on home duty at this time, at what institutions employees are on home duty, and the law the Agency is relying on to place employees on home duty.”
- Resolution:*** *Management provided the Union with the most recent statistics on employees who have been placed on home duty. Management stated that it has the right to assign employees to any duty location, including their homes; this is an assignment of work issue. The Union believes the Agency is acting outside the law and plans on submitting a national grievance.*
17. **ISSUE:** “Employees being required to wear pagers and be on-call. Are these employees being paid, and what is the Agency’s position on this?”
- Resolution:*** *Management indicated that according to a Comptroller General’s Decision (B217502) regarding overtime compensation for work performed at home, if an employee is paged and as a result, calls into work to provide some degree of consultation, overtime will be earned in 15-minute increments. Some form of documentation should be maintained, either by the employee or the Agency (e.g., an institution phone log), in order to verify the length and reason for the call.*
18. **ISSUE:** “Medical requirements mandatory for employees using respirators. This has been put out at Englewood, and staff are being ordered to answer all questions on the form. What is the Agency intent if a staff member answers yes to some of the questions? Will this form or answers on this form be used to have fitness-for-duty examinations done on employees?”
- Resolution:*** *Management spoke to Robbie Church, National Safety Administrator. The Union’s issue refers to a memo from early 1999. Therefore, since*



*this memo is now outdated, the issue has been resolved.*

19. **ISSUE:** “Workgroup HR-2558 Bill; Mr. Corrison said that he was assigned to this committee as a Union representative, and was by-passed and not included in the meetings that took place; also [he] received documents pertaining to the workgroups on the date that the report was to be turned in. Why was any of this done?”

***Resolution:*** *Management indicated that this was a UNICOR workgroup and no meetings ever took place in person. There was a teleconference which took place but Mr. Corrison did not call in. The Union indicated that Mr. Corrison attempted to call but was told he had the wrong phone number. Management and the Union disagreed on whose responsibility it was to ensure that the correct number was eventually obtained. The Union indicated that they will follow up with UNICOR on this issue to attempt to resolve it.*

20. **ISSUE:** “Local using government credit card while on official time. Can the Agency put out a memo authorizing use by local Union leaders?”

***Resolution:*** *This issued was dropped by the Union.*

21. **ISSUE:** “I would like an update on the status of the area search gloves; this was an issue that goes back to July 99 and then again in November 99. During one session, we also agreed to start a possible pilot to have staff evaluate their effectiveness.”

***Resolution:*** *Management indicated that according to the minutes from the October 1999 Meeting minutes, Phil Glover was going to contact the president of Rubotech, the manufacturer of the kevlar gloves which both parties agreed to pilot, to do some further research. This research was not done but the Union provided Management with a proposal for the implementation of a glove pilot program. Management agreed that they would take the proposal to the proper individuals in the Central Office.*

22. **ISSUE:** “Did the Agency conduct a national complement analysis of correctional services departments in all the high security institutions? What was the purpose and what are the findings of this analysis?”

***Resolution:*** *Management indicated that a national complement analysis of correctional services departments was not completed, however, USP Terre*

*Haute did do a local analysis.*

23. **ISSUE:** “There is a disparity regarding Article 18 in the approved Agency Head reviews of local institutions supplements concerning departmental overtime. Due to the large number of local supplements that are still being reviewed and negotiated, what is the Agency’s position to correct this dilemma?”

***Resolution:*** *The Agency’s position is that each department can have its own overtime sign-up list but employees may sign up for overtime in any department if they are qualified.*

24. **ISSUE:** “The Agency issued a memo dated November 23, 1999 from the capacity planning branch concerning all institutions within 500 miles of DC. What is the Agency’s proposed transitional plan concerning the DC inmates placement in BOP institutions?”

***Resolution:*** *Dave Sweda was contacted as the Management representative on this issue. He informed the Union that there is a workgroup which has been formulated to plan the transition process. [Note: this workgroup was meeting the same week as the LMR meeting]. The Union asked about completion dates, transition dates, etc. Mr. Sweda informed the Union that there is a Union representative on that workgroup - John Johnson from USP Leavenworth - and all of the requested information is provided to Mr. Johnson as a workgroup member.*

25. **ISSUE:** “Annual Refresher Training has started at various institutions throughout the BOP. All staff are being required to fill out the medical questions form for SCBAs and other respirators; I was under the impression that this was still on the table being negotiated. If this is true, why it is being implemented in the field?”

***Resolution:*** *Management stated that they had spoken to the Warden at FCI Englewood and it was clarified that this was only an interim plan. Management confirmed that this issue is still being negotiated at the national level and should not be occurring at Annual Refresher Training. The issue was resolved.*

26. **ISSUE:** “DAP 5501.00 - Implementation before negotiation. The Agency

conducted a regional teleconference on changing this policy. Currently the 500-hour program is completed between 9 and 12 months. The Agency wants to curtail the program to no longer than 9 months.”

**Resolution:** *The Union indicated that this issue had been worked out with the Regional Office and is now resolved, though the Union stated they believe the issue could have been handled in a better way, i.e., the procedures should not have been changed via a teleconference.*

27. **ISSUE:** “PS 5538.04 Escorted Trips - Conflicts with Master Agreement. See PS 5538.04, Chapter 9, Supervision and Restraint Requirements: ‘Inmates under escort will be within constant and immediate visual supervision of escorting staff at all times.’ Master Agreement, Article 29, Work Site Conditions: ‘Employees will be provided with clean and sanitary toilet facilities which are readily accessible and which are separate from those used by inmates.’”

**Resolution:** *Management stated that at Master Agreement negotiations, it was not contemplated that workplace conditions would be the same when an employee was away from the worksite. The Union proposed taking out the language which reads “constant visual supervision”. Management agreed to speak with Executive Staff and Correctional Services staff to change the language in order to more adequately target watch calls and bathroom breaks. Smoking breaks would not be included in the revised language or the intent of the revised language. Management suggested the revised language could include that staff use the “nearest available restroom”. The Union asked to see the language before it is written into policy.*

28. **ISSUE:** “What is the status of the Treasury-Postal Appropriations Bill (Section 643), signed into law by President Clinton (P.L. 106-58); this includes authorization for the use of appropriated funds for child care in federal facilities.

Are we in the BOP going to start a pilot program somewhere in the region soon? Note: this is limited to a one year pilot program.”

**Resolution:** *The Union stated they believed the Agency had been given the*

*appropriated money to start a pilot. Management informed the Union that Congress did not appropriate additional funds for this pilot; each agency must use their own funds. In addition, Management responded that OPM did not put out any regulations until December 1999 and therefore the comment period is not over. The Agency is unable to implement anything until the regulations become final. The Union stated that they will follow-up with Management at the end of March to check on the status of the regulation.*

29. **ISSUE:** “I would like to know why the BOP is not supporting Special Locality Pay (16%) to USP Lompoc, FCI Lompoc and FDC SeaTac; the cost of living in those areas is outrageous.”

**Resolution:** *Management stated that OPM defines the areas which are to receive special locality pay. In this definition there are six specific criteria; Lompoc does not meet one of those criteria, i.e., 20% of its residents do not commute to Los Angeles. As a result the Agency cannot do anything until the 2000 Census is completed and a special circumstance is explored. Therefore, not until approximately 2003, after all the data has been evaluated, can the Agency ask OPM to reconsider this locality pay issue.*

30. **ISSUE:** “Is the UNICOR Operation at FCC Victorville going to use private contractors for its warehouse operations?”

**Resolution:** *Management informed the Union that there is an outside contractor involved but the actual warehouse operations will remain the same.*

31. **ISSUE:** “I would like a copy of the 1999 OIA Report.”

**Resolution:** *Management provided a copy of the OIA Report to the Union.*

32. **ISSUE:** “I would like to know how many ULPs have been filed in FY1999, nationwide and by region.”

**Resolution:** *Management provided the ULP statistics to the Union.*

33. **ISSUE:** “I would like to request a copy of the summary report and all findings related to the toxic spill at FPC Alderson in their administration building. Is the Agency planning to remove the life station from under the ISM department in the administration

building?”

**Resolution:** *Management provided the Union with a copy of the report prior to the meeting. The Union expressed their concern about the way the situation was handled at the local level and requested this be addressed at the national level. Management indicated that they understood that Mr. Bohannon had been speaking with the Regional Director for some time now and believed the concerns had been addressed. The Union responded that not all concerns have been resolved and they will attempt to ensure someone in Management at the local level is held accountable for the way this spill was handled.*